



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

NOV 19 1991

Mr. Jason Conger  
1517 Longworth House Office Bldg.  
Washington, D.C. 20515-0501

Dear Mr. Conger:

This is response to your letter of October 25, 1991, requesting an answer to the following questions: 1) Does the action, by any eligible individual, of accepting the Bureau of Indian Affairs' offer of partial payment pursuant to the Hoopa-Yurok Settlement Act fulfill the terms of the Act regarding Yurok tribal membership? 2) Does acceptance of such a payment legally bind the individual to accept the privileges and limitations defined by the Act to be associated with tribal membership?

It is our position that any eligible individual who accepts the payment authorized to be made under subsection 6(c) of the Hoopa-Yurok Settlement Act is legally bound by the terms of the Act to accept the privileges and limitations defined therein to be associated with Yurok tribal membership. We do not consider the withholding of specified percentages from any payment to be made pursuant to subsection 6(c) of the Act for the purpose of paying attorney fees, as required by Judge Lamberth's September 6, 1991, Order in Heller, Ehrman, White & McAuliffe, v. Lujan, to affect the privileges and limitations associated with Yurok tribal membership under the Act. We consider the payments to be made to eligible individuals pursuant to subsection 6(c) of the Act to be full payments from which specific amounts are to be withheld to pay attorney fees, as ordered by the United States District Court for the District of Columbia in its September 6 Order in Heller, Ehrman.

Please do not hesitate to contact me if I can be of any further assistance concerning this matter.

Sincerely,

Scott Keep  
Acting Associate Solicitor  
Division of Indian Affairs